

FILED
JAMES BONINI
CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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UNITED STATES OF AMERICA

: CASE NO.

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

v.

:

3 : 08 cr 027

BRIAN DOLNEY

: INFORMATION

18 U.S.C. § 1344

Defendant.

The United States Attorney Charges That:

COUNT 1

Between in or about July 2000 and October 2003, in the Southern District of Ohio, **BRIAN DOLNEY**, the defendant, did knowingly and wilfully devise and intended to devise a scheme and artifice to defraud a federally insured financial institution, to wit, Security National Bank, the deposits of which were then being insured by the Federal Deposit Insurance Corporation, and to obtain by means of false and fraudulent pretenses, representations, and promises, the monies, funds, credits, assets, securities, and other property owned by and under the custody and control of said federally insured financial institution, the defendant knowing at the time that the pretenses, representations, and promises were false and fraudulent when made and which scheme and artifice was, in substance, as follows:

1. It was part of the scheme and artifice that between in or about January 2000 and December 2003, defendant **BRIAN DOLNEY** served as President of Machinists Lodge 2333 (hereinafter LG 2333), a labor union division under the International Association of Machinists and Aerospace workers Grand Lodge, whose office was at the time located at Wright-Patterson Air Force

Base, in the Dayton, Ohio area. LG 2333 held a total of three bank accounts at two separate financial institutions, to include a checking account at Security National Bank (hereinafter SNB), Springfield, Ohio, account number XXXXXX4011. The account holder named on the SNB checking account was "INTERNATIONAL ASSN. OF MACHINIST AEROSPACE WORKERS LOCAL 2333", and there were three signatories including the defendant **BRIAN DOLNEY**.

2. It was further part of the scheme and artifice that as president of LG 2333, defendant **BRIAN DOLNEY**, was responsible for conducting financial transactions on behalf of LG 2333, including but not limited to making bank deposits, and writing and signing union checks. The defendant **BRIAN DOLNEY**, was additionally responsible for maintaining and reconciling all of LG 2333's financial records including those pertaining to the SNB accounts, and the union's payroll, disbursements journal, and annual reporting forms. In exchange for his services, defendant **BRIAN DOLNEY** was entitled to and received compensation in the form of payroll checks for duties he performed. He also received reimbursement for any expenses incurred in the administration of his official duties as president of the union.

3. It was further part of the scheme and artifice that between in or about July 2000 and October 2003, defendant **BRIAN DOLNEY**, stole money from the union by writing checks to himself drawn on the SNB checking account. Between July 2000 and June, 2003, defendant **BRIAN DOLNEY** fraudulently wrote, signed and negotiated the following 21 union checks payable to himself in various amounts totaling \$8,591:

<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>
4277	07/28/2000	\$600.00
4305	10/20/2000	\$454.00
4340	12/15/2000	\$500.00

4346	12/20/2000	\$500.00
4351	01/10/2001	\$754.00
4355	01/05/2000	\$1,236.40
4356	01/10/2001	\$500.00
4359	01/19/2001	\$200.00
4360	01/23/2001	\$500.00
4361	01/23/2001	\$500.00
4371	02/19/2001	\$200.00
4386	03/02/2001	\$200.00
4427	07/19/2001	\$221.95
4479	12/19/2001	\$100.00
4518	03/14/2002	\$100.00
4519	03/15/2002	\$525.00
4523	03/08/2002	\$100.00
4581	08/21/2002	\$400.00
4598	09/30/2002	\$300.00
4637	01/31/2003	\$500.00
4687	06/01/2003	\$200.00
	Total:	\$8591.35

4. It was further part of the scheme and artifice to defraud, that between in or about December 2002 and September 2003, defendant **BRIAN DOLNEY** fraudulently wrote the following eight (8) union checks totaling approximately \$1,574, payable to various vendors, to pay for personal bills he had incurred:

<u>Check Number</u>	<u>Check Date</u>	<u>Payee</u>	<u>Amount</u>	<u>Check Stub Memo - To/For</u>
4622	12/03/2002	Verizon	\$151.47	Wright Patt/Utilities
4630	12/31/2002	Vectren	\$174.68	DMATS/Base Phone Service
4631	01/03/2003	Dayton Power and Light	\$153.25	WPAFB/Utilities (Pro-Rated)
4642	02/10/2003	Vectren	\$243.21	WPAFB/Utilities (Pro-Rated)
4653	03/05/2003	Vectren	\$360.76	WPAFB/Utilities (Pro-Rated)
4655	03/25/2003	Vectren	\$220.16	FEN Digest/Newsletter
4659	03/25/2003	Vectren	\$180.57	SBC/Phone Service

4733	09/19/2003	Verizon Wireless	\$90.16	DMATS/Phone
		Total:	\$1,574.26	

5. It was further part of the scheme and artifice to defraud, between in or about November 2001 and March 2003, defendant **BRIAN DOLNEY**, fraudulently wrote, signed and negotiated the following ten (10) union payroll checks made payable to himself, which checks reflect salary amounts that defendant **BRIAN DOLNEY** fraudulently inflated, causing a total overpayment to himself of \$1,400:

<u>Check Number</u>	<u>Check Date</u>	<u>Check Amount</u>	<u>Amount Dolney Was Entitled To Be Paid</u>	<u>Difference</u>
4463	11/07/2001	\$286.95	\$186.95	\$100.00
4469	12/06/2001	\$386.95	\$186.95	\$200.00
4489	01/03/2002	\$286.95	\$186.95	\$100.00
4501	01/31/2002	\$286.95	\$186.95	\$100.00
4512	02/28/2002	\$286.95	\$186.95	\$100.00
4528	03/25/2002	\$286.95	\$186.95	\$100.00
4568	07/18/2002	\$386.95	\$186.95	\$200.00
4571	07/30/2002	\$386.95	\$186.95	\$200.00
4603	10/07/2002	\$386.95	\$186.95	\$200.00
4658	03/06/2003	\$286.95	\$186.95	\$100.00
			Total:	\$1,400.00

6. It was further part of said scheme and artifice that defendant **BRIAN DOLNEY**, knowingly did make false and fraudulent pretenses, representations, and promises to SNB by fraudulently writing, signing and issuing, or causing to be issued the above-mentioned checks and disbursements, all of which were calculated to deceive SNB, and which **BRIAN DOLNEY** knew to be fraudulently made and issued, and which were as follows:

- a. In writing and negotiating the fraudulent LG 2333 checks mentioned in paragraph 3 above, which said checks were drawn on LG 2333's SNB checking account # XXXXXX4011, **BRIAN DOLNEY** falsely and fraudulently

pretended and represented to SNB that the checks had been properly issued to him and that he was entitled to monies and funds from that account.

- b. In fraudulently writing and signing, the LG 2333 checks mentioned in paragraph 4 above, and then submitting said checks to the payees knowing that payments for said checks would be drawn on LG 2333's SNB checking account # XXXXXX4011, defendant **BRIAN DOLNEY** falsely and fraudulently represented and pretended, that said monies and funds were lawfully payable to said vendors.
- c. In writing and negotiating the fraudulent, inflated LG 2333 payroll checks mentioned in paragraph 5 above, which said checks were drawn on LG 2333's SNB checking account # XXXXXX4011, **BRIAN DOLNEY** falsely and fraudulently pretended and represented to SNB that the checks had been properly issued to him and that he was entitled to monies and funds from that account..

Between in or about July 2000 and October 2003, in the Southern District of Ohio, defendant **BRIAN DOLNEY**, knowingly and wilfully executed and attempted to execute the aforesaid scheme and artifice to defraud and to obtain monies and funds by means of false pretenses, representations and promises, as set forth in paragraphs 1 through 6 a - c above, in that he did sign, and issue, and cause to be issued the above-mentioned LG 2333 checks to himself and his vendors, drawn on checking account number XXXXXX4011 at Security National Bank, Springfield, Ohio, the deposits of said institution then being insured by the Federal Deposit Insurance Corporation, well knowing that the fraudulent checks would be

negotiated, thereby withdrawing and causing to be withdrawn approximately \$11,565 from Security National Bank, and further knowing that the monies and funds from said checking account were not lawfully owned by or payable to him or his vendors and that by causing funds to be withdrawn, **BRIAN DOLNEY** did thereby fraudulently obtain and cause to be obtained monies and funds belonging to and under the custody and control of said Security National Bank.

In violation of 18 U.S.C. §§ 1344.

GREGORY G. LOCKHART
UNITED STATES ATTORNEY


DALE GOLDBERG
Executive Assistant U.S. Attorney